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NO. 1903 P. 1

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To Examiner: WANG, Quan-Zhen
Group Art Unit: 2633

Firm United States Patent and Trademark Office City/Country Alexandria, VA

Fax 1-571-273-8300 Telephone 1-571-272-3114

Date Tuesday October 4, 2005

Re Nortel Networks Limited
United States Patent Application No. 09/972,989 Filed October 10, 2001
Optical Wavelength Plan For Metropolitan Photonic Network
Our Reference : 08890943US

Total Pages Sent (including cover memorandum) 3

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Message

RESPONSIVE TO THE COMMUNICATION DATED SEPTEMBER 7, 2005, PLEASE FIND
ENCLOSED OUR RESPONSE TO IT OF TODAY'S DATE.

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The Honorable Commissioner of Patents
and Trademarks

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: GRAVES, Alan F.; WATKINS, John H.; HOBBS, Chris

Serial No. : 09/972,989 Group Art Unit: 2633
Filed : October 10, 2001 Examiner : Wang, Quan Zhen
For : Optical Wavelength Plan For Metropolitan Photonic Network
Date : October 4, 2005 Docket No. : 08890943US

The Honorable Commissioner of Patents and Trademarks,
WASHINGTON, D.C.
UNITED STATES OF AMERICA 20231

Response to Office Action

Sir:

In response to the Office Action dated September 7, 2005 under 35 U.S.C 121, Applicant
elects Group I (Claims 1-18) with traverse.

Applicant notes that 37 U.S.R. 1.475 (b) states:

(b) An international or a national stage application containing claims to different
categories of invention will be considered to have unity of invention if the claims
are drawn only to one of the following combinations of categories:

[...]

(4) A process and an apparatus or means specifically designed for
carrying out the said process;

[...]

The Examiner's stated in the Office Action that a point-to-point optical network does not
include any optical switch devices.

Applicant respectfully disagrees. Applicant notes that a terminal of a point-to-point
network may have an "grooming" function such as the edge node in Figure 1, and thus
having the need for an optical switch.

Withdrawal of the Examiner's objection under U.S.C 121 is respectfully requested.

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GOWLINGS CANADA INC

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The Honorable Commissioner of Patents
and Trademarks

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Respectfully Submitted,


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